

Appendix D

AFFIDAVIT OF ANN E. ARMSTRONG

COUNTY OF NEW YORK)

: SS:

STATE OF NEW YORK)

ANN E. ARMSTRONG, being duly sworn, deposes and says:

1. I am voluntarily submitting this affidavit in order to provide information that I understand has been requested by the Oversight and Investigation Subcommittee of the House Committee on Energy and Commerce.

2. I am personal assistant to the Executive Office at Martha Stewart Living Omnimedia, Inc. ("MSLO").

3. On Thursday, December 27, 2001, I was in the New York office of MSLO and, as part of my responsibilities, noted incoming phone messages for Martha Stewart, the Chief Executive Officer of MSLO, on a phone message log dated Thursday, December 27, 2001, a copy of which I understand has been previously provided to the Subcommittee. I recall that I arrived at my office that day at approximately 10:00 a.m. My best recollection is that the call from Peter Bacanovic reflected on the log came in some time between approximately 10:00 a.m. and 11:00 a.m. It is not my regular practice to note the time of such a call on my log.

4. I also recall that later that same day I connected Martha Stewart through to Mr. Bacanovic's office, and after making sure that she was connected through, I did not stay on the line and did not hear any subsequent part of her conversation.

Ann E. Armstrong
Ann E. Armstrong

Sworn to before me this 9th day
of July, 2002.

Laura J. Edelstein
Notary Public

LAURA J. EDELSTEIN
Notary Public, State of New York
No. 02ED05056283
Qualified in Kings County
Commission Expires March 4, 2006